

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THOMAS WINSTON,

Plaintiff,

v.

Case No. 20-CV-596

TAKATA CORPORATION,

Defendant.

ORDER REGARDING SERVICE OF PROCESS

The *pro se* plaintiff filed an amended complaint on May 18, 2020. ECF No. 9. This court found that the complaint had stated a claim and that the plaintiff met the conditions to proceed *in forma pauperis*. ECF No. 10. The normal practice in such circumstances is to direct the United States Marshals Service to effectuate service of the summons and complaint against the defendant, which is what this court ordered.

It has now come to the court's attention that the Marshals Service is not equipped to handle service of process of foreign corporations like the named defendant. *See, e.g., Best v. Mobile Streams, Inc.*, No. 1:12-CV-564, 2014 WL 950961, at *3 (S.D. Ohio Mar. 11, 2014) ("Plaintiff was informed by the U.S. Marshal's office in Cincinnati that it could not serve process in a foreign country. "); *Freier v. Republic of Germany*, No. CV 16-10149-GAO, 2017 WL 3131984, at *1 (D. Mass. Feb. 24, 2017) ("[T]his Court granted Freier's motion to proceed *in forma pauperis* but noted that the U.S. Marshals Service does not serve process on foreign states."); *Marshall v. Hubbard*, No. 5:06CV00300 JMM/JTR, 2007 WL 1655878, at *2 (E.D. Ark. June 4, 2007) ("The United States Marshals cannot serve a Defendant residing in

a foreign country.”); *Cross v. State Farm Ins. Co.*, No. 310CV1179TJMDEP, 2011 WL 13234729, at *2 n.3 (N.D.N.Y. Nov. 7, 2011) (informing plaintiff that the United States Marshals Service cannot serve a foreign defendant and that he must serve defendant Toyota Motor Corporation in Japan in accordance with the Hague Convention.)

Accordingly, service of process will be left to the plaintiff himself. The plaintiff is directed to Rule 4(f) of the Federal Rules of Civil Procedure regarding serving individuals in foreign countries. The complaint must be served within 120 days of the filing of the complaint unless the plaintiff demonstrates good cause. Fed. R. Civ. P. 4(m). Failure to serve within the appointed time will result in dismissal of the action.

SO ORDERED this 16th day of June, 2020.



STEPHEN C. DRIES
United States Magistrate Judge